



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
MAY 2, 2013
6:15 P.M.**

Special Meeting

A special meeting of the Common Council of the City of Middletown was held in the Council Chamber on Thursday, May 2, 2013 Immediately following the Community Meeting at 6:15 p.m.

Present

Mayor Daniel T. Drew, Deputy Mayor Robert Santangelo, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Hope P. Kasper, Grady L. Faulkner, Jr., Joseph E. Bibisi, Linda Salafia, Todd G. Berch, Deborah Kleckowski, and Common Council Clerk Marie O. Norwood.

Absent

Corporation Counsel Daniel B. Ryan

Also Present

A member of the public

Meeting Called to Order

The Mayor calls the meeting to order at 6:22 p.m. and leads the members in the Pledge of Allegiance.

Call of Meeting Read

The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal meeting.

Public Comment Opens

The Chair opens public comment and asks if any member of the public wishes to speak at this time on any topic and states comments should be limited to five minutes.

Ken McClellan, Traverse Circle states he is here about the merger; he spoke on it at a previous meeting and was at Ordinance Study and spoke against it. He hasn't changed his mind. One of the ideas is, it is widely done in other areas and it was done in Lansing and there were multiple towns in Connecticut that do it. He checked Lansing and small towns in Michigan and cannot find any city that has a general counsel in charge of personnel. He checked in Connecticut with municipalities and companies and the information he finds is that human resources and personnel areas are not part of legal; they are separate. He did find one city in Connecticut that practices this and it is the city of Stamford. He is in favor of efficiency in government but he thinks this whole procedure is wrong. As an alternative, he would like City departments organized by their related functions. Adminsitration, public works, recreation, finance, records, public safety, with fire police and emergency management and their related functions. With public works and water and sewer and outdoor grounds keeping it makes sense to put them under one director. Recreation for young people and seniors could be one. A functionally organized city makes sense; the services do this. He is in favor of efficiency in government, but this is one specific department has the appearance of a targeted action other than efficiency. The justifications are not correct and he wants the Council to consider that before you vote in favor of this. It is not correct, you are either being mislead or someone is making things up.

Public Comment Closes

The Chair asks for other members of the public to come forward. Seeing none, he closes the public hearing at 6:29 p.m.

Questions to Directors

The Chair opens questions to directors and he asks the City Attorney to clarify some of the comments made.

Noted for the Record

Councilman Faulkner takes his seat in the chamber at 6:30 p.m.

City Attorney Brig Smith thanks the Council for being here. He states the first time he gave examples was for several Wisconsin cities and the example he gave back in Lansing was the Board of Water and Light and the general counsel was in charge of it and reported to him. He was glad to hear about Stamford. When this idea came to be it was from the Task Force on Efficiency in Government and you have 20 or 21 direct reports to the Mayor and you probably don't need that many. One recommendation was to take Human Resources and move it into the City Attorney's Office and have one direct report instead of two. There have been questions raised by Council Members Serra and Faulkner and why the Office of General Counsel; there is no magic. Legal and Human Resources was cumbersome and what do other people do and Office of General Counsel is a good fit. He encourages everyone to read it and it outlines the ordinances involved and summarizes what is being done and most of the answers are in there.

Councilwoman Kasper asks for Kathy Morey. Kathy Morey comes forward. Councilwoman Kasper states we have a job description for Director of Human Resources, how was the job description determined. Ms Morey responds they began with the current Director of Personnel job description and the only thing taken out is responsibility for negotiations for labor contracts formerly assigned to the director that will now be handled in the Legal Department. That is the only responsibility removed and they changed it to Human Resources and they incorporated all the job duties of Deputy Director of Personnel. Everything remains and incorporates into the new job description. Councilwoman Kasper asks if it was evaluated with the Maximus report. Ms Morey responds for salary grade it was not; the proposed was kept at the salary grade for the Personnel Director because only one responsibility was removed but duties were added to it from the deputy director position. Councilwoman Kasper asks about the grade; Ms Morey responds it would go up a grade or two.

Councilman Daley states the deletion of the job description directly administers and labor and that is what the former job description said but did the director of personnel act as chief negotiator. Ms Morey responds yes for some years and states it was legal and finance for the most recent negotiations. Councilman Daley states the change is consolidating the duties of director and deputy director into one job. As he understands it the Director of Human Resources will still be involved with day to day bargaining agreement and disciplinary things and does not change. Ms Morey responds correct.

Councilman Pessina asks for Attorney Smith. With all this said and when this merger goes through, is there any entity in the Office of General Counsel that does not touch the legal aspects. Attorney Smith states anything of any consequence sooner or later goes to the City Attorney's office and either goes through the front end or back and here we want to do it in the front end where it is cheaper than the back end. Councilman Pessina states it is like risk management and if preventable it is prevented. Attorney Smith responds yes. Councilman Pessina states your office on any of this will have the legal eyes.

The Chair states he has to leave to speak at MHS National Honor Society Induction meeting this evening and he apologizes and appreciates everyone being here and leaves at 6:42 p.m. Deputy Mayor Santangelo becomes the Acting Chair. Councilwoman Kleckowski asks the Mayor to pass on congratulations from the Council and the Mayor will do that.

Councilman Klattenberg states this reorganization has been vetted at great length and it has taken many months and in addition to Government Operations, Ordinance Study has reviewed it as well as Personnel. The fundamental structure and his question is in response to comments made. How many alternate plans were made that you met with in looking at this restructuring. Attorney Smith states he can only speak to some part of it and it is a work in progress; one of the things in the report also tucked in Human Relations and the decision made was that, that should remain separate from HR and OGC. In Lansing they call it Human Relations and Community Services and you keep the functions separate, but I want to know about it so if there is a problem and a trend noted, they want to correct it before there is a problem. Councilman Klattenberg states the experience in reviewing the report and chairing Finance and Government, he feels strongly that this meets the goals perceived in reorganization. It is reducing reports, saving money and makes the departments that are communicating that they do so in a much more effective manner. You can mix and match to come up with different mashed potatoes, but no one is perfect and this gives backbone to accomplish these goals and it is the right thing to do.

Councilman Bibisi asks Attorney Smith if they have outsourced anything at all; in the past, the City spent over \$700,000. Attorney Smith replies we continue to outsource through our insurance policy and what is not handled by that we will handle them. There is some tricky pension questions and he knows enough from Lansing, but he may outsource it for the pensions system. Councilman Bibisi asks if the second deputy city attorney will help. Attorney Smith responds yes, but we may still have to go outside; you go to the general practitioner and stay in house, but if you need heart surgery, you need to go outside. If it isn't cost effective to learn it, we would go outside. Councilman Bibisi asks Ms Morey about labor issues and grievances; he asks if you handled any since you are human resources. Ms Morey responds not so many; there are still a few issues at the Board of Education and a couple Fire grievances and one Police and they reconciled that at the time. Councilman Bibisi asks if there is anything going to arbitration. Ms Morey responds one case Fire that has been forwarded to arbitration and has not been heard and not sure that process will continue; it might be mediated.

Councilman Berch states streamlining within the department has been working. The restructuring was done with the task force and glad that the report is not on a shelf and the recommendations are being implemented. He thanks the Chair of the committee, Councilman Daley; he was vice chair and thanks the committee.

Councilwoman Kleckowski states when you said we who does that refer to. Ms Morey responds collectively, the City and the City Attorney. Councilwoman Kleckowski states if there is a grievance, do you sit down as acting or is it collective with the city attorney. Ms Morey states she is the grievance hearing officer and reaches a decision if there is no financial impact and if there is a financial impact, she is consulting directly with the Mayor's office. Councilwoman Kleckowski states that is how it went previously. Ms Morey responds yes. Councilwoman Kleckowski asks if the merger goes through would that change. Attorney Smith responds the idea is that it doesn't; step 1 should continue and we advise as to potential liabilities. If it is beyond that,

then we get directly involved. Councilwoman Kleckowski states if this director and she is not in for an extended time and an employee has a grievance, what is the process will you or the deputy handle the grievance. Attorney Smith responds first level is through the department and if it goes beyond that, we will involve Kathy. Councilwoman Kleckowski states what happens if she is out and there are grievances that need to be heard for the work force and tone of the work place. Attorney Smith replies part of the idea is to support each other. Councilwoman Kleckowski states she has concerns; she is leery of the attorney to supervise the Human Resource Director and may be working out well because you work out well and sometimes in a municipality people make rules and policies based on personality and not policy. Your role as supervisor may impede her or make her pause because you are her direct supervisor. Just like Human Relations, it is the same situation and she has a specific role and you are her direct supervisor and may influence decision making. Attorney Smith responds as manager for many years and working with human resource individuals and it means more communication and not less and he is tracking a task list of HR issues that Kori and I need to be aware of. He has been through a number of reorgs and the structure will suit us now.

Councilman Faulkner asks human relations is not involved in anything tonight; he assumes they will continue to be the affirmative action officer. Attorney Smith responds yes; that will remain there. Councilman Faulkner states as far as the cases concerned and saving some dollars in outside counsel, how big was the outside counsel dollars involved with employees. Attorney Smith responds his recollection, we pulled a report and it was just short of \$94,000 year to date and it was less than he suspected and separate of insurance and claims and of that it was labor. The things farmed out should be handled in-house. Councilman Faulkner states there will not be any situation where a court or judge that you are there everyday you cannot defend. Attorney Smith states not in his experience and if it happens they will deal with it. Councilman Faulkner states you will handle the insurance and claims. Attorney Smith states that is a separate question. That is the next level of negotiation with the insurer and they guard who is hired. That is not what we are here to discuss today. Councilman Faulkner states from the task force reading and his ideas, he was looking at the prevention side as well. We have a lot of issues with mishandling of employees in certain ways and you will be stepping up the training to minimize that. Attorney Smith responds an ounce of prevention and he is impressed with the job Kathy is doing.

The Acting Chair asks if there are other questions; seeing none closes that portion of the meeting. He states that agenda item 5A and 5B need nine votes.

Agenda Item 5A

Councilman Daley reads and moves for approval agenda item 5A, the ordinance approving the merger of the departments; Councilwoman Kasper seconds the motion. Councilman Daley states as Councilman Berch indicated they had a lot of input on the task force and it is the third committee that he has been involved with and chaired in the past 30 years. He is not unfamiliar with the process. The structure in place may not make sense today; they are living organizations. With respect to comments made, from his experience and he has been involved with human resources over 40 years, this is not unusual for many organizations in the corporate or government worlds that personnel functions report to the legal department and the rationale behind it is because HR has a lot of legal repercussions. Because of synergy of legal and human resources, the responsibilities for risk management have been in the City Attorney's office which benefit the public. The Risk Manager is involved with administration of health benefits and there is a lot of involvement with the employees; they also do worker's comp. There is relatedness. Mr. McClellan talked about combining related functions; they are related and interact on a daily basis. One of the commitments of the Task Force was to reduce the number of reports to the Mayor and cost savings with collaboration and sharing costs within departments. This proposal makes sense and he urges the Council to support this.

Councilman Pessina states he recently read a quote I believe smaller government is better government but where governments play a role it should be done better and it was a Wisconsin governor who said that. That is what the Task Force presented us with. The public demands more efficient and cost effective way to do business. It is a bold step that needs to happen this evening. As we streamline, it is a win for City residents. There are many consolidations in the report but as recently stated by a CEO in business, we must remember change is difficult and voices are allowed and well organized and it will take political leadership and bipartisan effort to achieve the best results and that is what I and Councilman Bibisi are looking at which is the best interests of the City. We need to have a review to monitor the effects and cost savings and that is why he will support this and with all due respect, his caucus has asked that he make an amendment. The merger shall be reviewed 18 months after it goes into effect and after the review of the costs, will vote to renew the merger. Councilwoman Kleckowski seconds the motion.

Councilman Daley states he thinks we should be reviewing all City operations and if you go through the task force report, we made a number of recommendations to the report including performance evaluation reports and it should be constantly reviewed and we highlighted that those would not be achieved with the old system and this would allow human resource staff to put more on training and implementing performance. He has no problem that the Council review it, but he is not sure how it can be incorporated into the ordinance.

Councilman Serra asks through the Chair if an amendment can be made. The Chair asks if they pass this amendment, does the ordinance have to go to another vote. Attorney Smith states he and Counselor Ryan agreed if it is a minor amendment it would not require a reset or review. He thinks it would be minor.

Councilman Daley asks how does it get incorporated into the ordinance; he states it would be legislation to review and would be better as a separate resolution. Attorney Smith responds that might be a more sensible approach.

Councilman Pessina states he will withdraw the amendment; Councilman Daley asks that he come back with a resolution.

Councilman Serra thanks Council Members Daley, Berch, and Bibisi for your task force ideas and this has been going on for 31 years and this time, the packet that the City Attorney presented on this merger was so clear, it was easy to understand and follow. This is monumental. Mattabassett was in the works for 17 years. There is no question it is more efficient and there is savings. He congratulates everyone involved with this merger.

Councilman Bibisi states he will support this; it is a great opportunity to have HR coordinating with legal. It will help our employees and the merger will ultimately save us money and he will support it.

Motion to Call the Question

Councilman Berch moves to call the question. Councilman Daley seconds the motion. The Acting Chair calls for the vote and it is eleven aye votes and Councilwoman Salafia did not vote. The Acting Chair states the matter passes with eleven aye votes.

The Acting Chair calls for the vote on the merger. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Acting Chair states the matter passes ten to two.

Ordinance No.	09-13
File Name	sec31-29articleIVofficeofgeneralcounsel
Description	Approving the merger of the Personnel Department into the Legal Department to create a new Department to be known as the Office of the General Counsel; approving amending all references to the Legal Department and City Attorney in the code of ordinances to “Office of the General Counsel”; and approving adding a new Section 31-29. <u>Composition; purpose.</u> to Chapter 31, Article IV to delineate three divisions of the Office of the General Counsel: Legal Division, Risk Management Division, and Human Resources Division.

(Approved – Second Vote)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That in accordance with Chapter V, Section 1B and Chapter III, Section 6 of the Charter of the City of Middletown, the Personnel Department is hereby merged with the Legal Department to create a new department to be known as the Office of the General Counsel; and

BE IT FURTHER ORDAINED: That all references to the “Legal Department” and “Office of the City Attorney” in the Code of Ordinances be amended to the “Office of the General Counsel.”

BE IT FURTHER ORDAINED: That Chapter 31, Article IV. “Office of the General Counsel” be amended to add Section 31-29. Composition; purpose. as follows:

<p>Sec. 31-29. <u>Composition; purpose.</u></p> <p>There shall be three divisions of the Office of the General Counsel: the Legal Division, the Risk Management Division, and the Human Resources Division.</p> <p>Legal Division: The purpose of the Legal Division shall include representing the City in legal disputes and advising City officials as they develop programs, projects, policies, and legislation.</p> <p>Risk Management Division: The purpose of the Risk Management Division shall include the administration of the City’s insurance programs including, but not limited to, liability, automobile, <u>and property and casualty</u> insurance, workers’ compensation, and employee health <u>and life insurance</u> benefits. This Division’s responsibilities shall also include coordinating job safety training programs for all municipal employees.</p> <p>Human Resources Division: The purpose of the Human Resources Division shall include providing assistance to all officials and departments in personnel <u>administration and labor relations</u> and implementing the personnel policies of the City, including but not limited to assuring the employment of able, productive and efficient employees and assuring equal opportunity for employment with the City.</p>
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Agenda Item 5B

Councilman Berch reads and moves for approval agenda item 5B; his motion is seconded by Councilman Serra. There is no discussion. The Chair calls for the vote and it is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski and one nay vote by Councilwoman Salafia. The Acting Chair states the matter passes eleven to one.

Ordinance	10-13
File Name	sec3112ordpesonaltolegal
Description	Approving adding a new Article V. Personnel Department to Chapter 31 of the City of Middletown Code of Ordinances to eliminate the Personnel Department and to change all references from the Personnel Department or the Department of Personnel to “Human Resources Division of the Office of the General Counsel.”

(Approved – Second vote)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: ~~that~~ that a new Article V, Personnel Department, be added to Chapter 31 of the Middletown Code of Ordinances to read as follows:

**Chapter 31, Article V
Personnel Department**

Sec. 31-29. Elimination

In accordance with Chapter III, Section 6 of the Charter of the City of Middletown, the Personnel Department is eliminated as a City department.

Sec. 31-30. Changes in Previously Adopted Ordinances

All references to the "Personnel Department" or "Department of Personnel" are amended to the "Human Resources Division of the Office of the General Counsel."

Agenda Item 5C

Councilman Bibisi reads and moves for approval agenda item 5C; his motion is seconded by Councilman Faulkner. The Acting Chair calls for discussion; hearing none, he calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski and one nay vote by Councilwoman Salafia. The Acting Chair states the matter passes eleven to one.

Ordinance No. 11-13

File Name sec19

Description Approving amending Chapter 1, Article I, Seciton 1-19 of the Middletown Code of Ordinances to allow hcanges in adopted ordinances regarding references to "City Attorney" amended to "General Counsel"; "Deputy City Attorney" amended to "Deputy General Counsel"; and "Personnel Director" amended to "Director of Human Resources."

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: that Chapter I, Article I, Section 1-19 of the Middletown Code of Ordinances be, and hereby is, amended to read as follows:

§ 1-19. Changes in ~~previously~~ adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Middletown, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections **B** and **C** hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation- and shall be made as needed for all legislation adopted by the Common Council. It is the intention of the Common Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
 1. References to specific chapters and sections of the Connecticut General Statutes are revised to reflect the numbering of the statutes as of the publication of this Code.
 2. References to the "Finance and Budget Committee" are amended to "Finance and Government Operations Commission."
 3. References to the "Finance Director" are amended to "Director of Finance."
 4. References to the "Zoning Enforcement Officer" are amended to "Zoning/Wetlands Officer."
 - ~~5.~~ References to the "Personnel Director" are amended to "Director of Personnel."
 - ~~6-5.~~ References to the "Building Inspector" are amended to "Assistant Building Official" and references to the "Chief Building Inspector" are amended to "Chief Building Official."
 - ~~7-6.~~ References to the "Superintendent of Fire Alarms" are amended to "Superintendent of Alarms."
 - ~~8-7.~~ References to the "Park and Recreation Commission" are amended to "Parks and Recreation Commission."
 - ~~9-8.~~ References to the "City Clerk," "Town Clerk," "Town and City Clerk" and "Town/City Clerk" are amended to "City/Town Clerk."
 9. References to "City Attorney" are amended to "General Counsel."
 10. References to "Deputy City Attorney" are amended to "Deputy General Counsel."
 11. References to "Personnel Director" or "Director of Personnel" are amended to "Director of Human Resources."
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

Agenda Item 5D

Councilwoman Kasper reads and moves for approval agenda item 5D; her motion is seconded by Councilman Klattenberg. The Chair asks for discussion

Motion to Amend

Councilman Serra moves to amend the job description and resolution, to say "be approved at Salary Grade 16, Nonbargaining, Exempt for inclusion in the Classified Plan" and the rest of the resolution remains the same.

Councilwoman Kleckowski asks him to repeat the amendment. Councilman Serra states the change is 17 to 16. Councilman Faulkner seconds the motion. Councilman Serra states the reason we are doing this, it was recommended by Finance and Government and we, in the budget, will be funding a second City Attorney and with the merger, the City will hire a labor attorney and this position is being elevated from 14 to 16 so for one year this was the theme and that is why he is doing this.

Councilwoman Kasper states she doesn't recall it as a recommendation and there was discussion and she said they took the job description and amended it to include some of the deputy director's duties and it didn't go through Maximus and if it did it would be elevated more than it is and this is actually on the low side and she is not in favor of it.

Councilman Daley states he is opposed to the amendment as well and he understands we are all trying to save money and that is why we are eliminating positions but determining a salary grade for a position, you have to look at internal equity and comparability and any job evaluation system is based on those two factors and if you look at the responsibilities associated with this new job and compare it to other jobs in the City it warrants the pay grade 17 and being in HR for 40 years, in terms of market comparability a HR director of an organization this size, this would be on the low side. I think for the best interests of the City it would not be good to lower the pay grade and at this rate, we would have difficulty getting highly qualified candidates.

Councilwoman Kleckowski states she would also not like to see this; it was reiterated if this position could be handled by one person and as a result, it should be kept where it is and the person is doing the job of two people and it has been discussed in personnel numerous times and they asked if this was too much. I am not in favor of the amendment.

Councilman Serra states through the Chair, this Council because of the theme of this; a second attorney and it would be a labor attorney to do some of the work. For us it would be a labor attorney to do some of the work and it is budgeted; do we take out the other lawyer and is that the intent of the Council.

Councilman Daley states he can speak to his intent and it would not be his intent. The minimum of 17 and 16 is a minimum of \$6,000 and would not pay for a second City Attorney. You are talking about \$102,000 and \$94,000 but I do agree the intent for the task force was the second deputy city attorney be responsible for labor relations; the City Attorney's office has been involved with labor relations and the former director did not handle arbitration, but she did handle grievances and the new one will and the bulk is day to day contract following and handling grievances. He is in favor of a second attorney and what he is concerned about here is we need to attract a fully qualified person and if it is the only full time HR person and we should have a good one and if we lower the pay so we can't attract a person, that is not a good decision.

Councilwoman Kasper agrees with Councilman Daley about leaving the pay grade where it is; if the person decides to leave us, getting a highly qualified candidate and the total spent on outside counsel are the specialty cases and she would rather see the pay remain here than having a second City attorney.

Councilman Klattenberg states he is trying to remember the outcome of the discussion of Finance and Government, but his thought was when they voted they did do this and you abstained. Councilwoman Kasper states she wanted the duties on the human resources included in the ordinance and she didn't want to vote on it without them and the Clerk prepared a report and the duties taken out are in other places. Councilman Klattenberg states there was a vote to support this salary grade to 16 and you abstained. He states it is going from 14 to 16; Councilwoman Bartolotta states it is 14 to 17 and being amended to 16. Councilman Klattenberg asks what it is now. Councilwoman Kasper responds it is 17; she is a director. Councilwoman Bartolotta states the original director was 17. Councilwoman Salafia states under normal procedure if a new hire comes into Teamsters, they are hired on step one and took 3 years to get to the top step. She believes the former director came in on the low step and moved up. There are six steps in MMPA and it rotates every six months and takes three years to go from step 1 to maximum in the normal progression. The hiring authority can hire at any step and lately most have been hired on step 6. Councilwoman Salafia states when she was first hired, it was step 1. Councilwoman Bartolotta states what was the grade. Councilman Daley states he can answer the question; he doesn't recall voting on salary grade change for the Personnel Director and am confident it was a 17, fourteen years ago. Councilwoman Bartolotta states she maxed out the grade but always was a 17. So the Personnel Director was always 17.

Councilwoman Salafia comments her recollection of the Finance and Government meeting was you would discuss in caucus and bring back a recommendation.

The Acting Chair, hearing no further comments, calls for the vote on the amendment. Councilman Serra reads it again. It is five aye votes by Council Members Serra, Klattenberg, Santangelo, Faulkner, and Berch; and seven nay votes by Council Members Bartolotta, Daley, Kasper, Pessina, Bibisi, Salafia, and Kleckowski. The Acting Chair states the amendment fails five ayes to 7 nays.

The Acting Chair calls for the vote on the underlying motion, the job description of the Human Resources Director. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Pessina, Bibisi, Berch, and Kleckowski; and two nay votes by Council Members Faulkner and Salafia. The Acting Chair states the matter passes ten to two.

Description **Approving a new job description entitled Director of Human Resources, Salary Grade 17, Nonbargaining, Exempt (\$33.21 - \$49.16), 40 hours for inclusion in the City’s Classification Plan; removing the positions of Director of Personnel and Deputy Director of Personnel from the Classification Plan; the new position and title and the removal of the old positions will take effect upon the date of the merger of the departments.**

(Approved)
WHEREAS, with the merger of personnel department and legal services into the Office of the General Counsel, the Director of Personnel and Deputy Director of Personnel positions have been reviewed to create a new position of Director of Human Resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new job description entitled Director of Human Resources be approved at Salary Grade 17, Non-bargaining, Exempt (\$33.21 - \$49.16) 40 hours per week for inclusion in the City’s Classification Plan; and

BE IT FURTHER RESOLVED: That the positions of Director of Personnel and Deputy Director of Personnel be removed from the Classification Plan; and

BE IT FURTHER RESOLVED: That the new position and removal of the old positions will occur upon the effective date of the merger of the departments; and

BE IT FURTHER RESOLVED: That the Deputy Director of Personnel shall be reclassified to Director of Human Resources upon the effective date of the merger of the departments.

Financial Impact: The reorganization, as proposed, would save \$87,946, plus the cost of benefits for the position of Deputy Director of Personnel.

Title: ~~Director of Personnel~~
 ~~Director of Human Resources~~
Department: ~~Office of the General Counsel~~
 ~~Personnel~~
Date: March 2001 Salary Grade 17 (E)
 Revised: April 2013

Purpose of Position

The purpose of this position is to direct and administer the ~~all City’s personnel and labor relations programs~~ **Human Resources functions; assist with labor relations and provide consulting services to Department Heads, and City Boards and Commissions and to administer all areas of Civil Service testing including recruitment, testing and certification of candidates.** The work is performed under the direction of the ~~Mayor.~~ **General Counsel.**

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Directs and administer all ~~personnel~~ **human resources** programs including recruitment, examination, appointments, **employee assistance program**, classification, **and** compensation, ~~training, etc.~~ Advises Department Heads, managers, supervisors, ~~boards and commissions regarding personnel/~~ **human resources** and labor relations programs.
- ~~Directs and supervises all labor relation programs. Negotiates and administers collective bargaining agreements.~~
- Conducts grievance hearings and provides written decisions. **Interprets collective bargaining agreements;** Engages in settlement discussions and constructs settlement agreements; composes memorandum of understanding to address and resolve labor issues; **may** participate in identifying defenses to claims against the City regarding labor issues. Testifies before boards, panels, tribunals, ~~etc~~ **or other hearings** regarding labor issues.
- **Conducts a variety of internal investigations, prepares reports and makes recommendations for progressive discipline, if warranted.**
- **Conducts and monitors oral examination panels; Develops test questions; Administers written examinations and scores results; Monitors and scores practical examinations; Prepares and maintains eligibility lists.**
- **Prepares written correspondence to department heads and applicants regarding eligibility and vacant positions; Maintains position vacancy reports.**
- **Works with department heads to determine required knowledge, skills and abilities for new and vacant positions.**
- **Provides consultation and makes recommendations to employees and department heads regarding procedures and ideas for employee performance evaluations and conflict resolution.**
- **Administers the City’s Employee Assistance Program (EAP); Family Medical Leave requests and other leave requests in accordance with all applicable mandates, statutes, policies and collective bargaining agreements.**
- **Serves as the Drug and Alcohol Program Manager (DAPM) for the Federal and DOT mandated drug and alcohol testing program for all safety sensitive employees who carry commercial drivers license (CDL); and ensures compliance with all regulations.**
- **Assists the General Counsel, or designee in labor relations.**
- **Responds to and attends hearings involving unemployment compensation claims filed by employees and former employees.**
- ~~Prepares and administers the department~~ **division** ~~budget. testifies before City Council at budget hearings.~~

- Supervises department personnel; ~~selects new employees in conjunction with department heads~~; provides training and instruction; plans, coordinates, assigns and reviews work; maintains standards and evaluates performance.
- ~~Researches and develops long term plans for City personnel services.~~
- May develop requests for proposals and classification specifications.
- Identifies and initiates ~~some~~ training programs in conjunction with Mayor, Risk Manager and Department heads
- May serve as staff ~~for to assigned boards and Common Council, board, committee, and~~ commission meetings.
- Oversees the maintenance of all personnel and ~~confidential medical~~ records. ~~Establishes and maintains eligibility lists. Supervises Affirmative Action Plan reporting.~~
- Administers and ensures compliance with federal mandates; ~~city ordinances, rules, policies, and collective bargaining agreements~~. Administers Civil Service rules.
- ~~Reviews job applications for qualifications. Conducts and monitors oral examination panels; administers written examinations.~~
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in Personnel, ~~Human Resources~~, Public Administration or a related field—Master's Degree desirable—with ~~and~~ five years of human resources/personnel administrative experience; or, any combination of education and experience that provides equivalent knowledge, skills and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

- Requires the ability to perform mid to upper-level data analysis including the ability to coordinate, strategize, systematize and correlate, using discretion in determining time, place and/or sequence of operations within an organizational framework. Requires the ability to implement decisions based on such data, and oversee the execution of these decisions.
- Requires the ability to provide first line supervision. Ability to persuade, convince, and train others. Ability to advise and provide interpretation regarding the application of policies, procedures and standards to specific situations.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as grievances, applications, subpoenas, disciplinary reports, contracts, settlement agreements, statutes, contracts, rules, ordinances, charters, legal briefs, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the Mayor and Common Council, all department staff, other City Department Heads and/Directors, City employees, various Councils, boards, commissions, committees, unions, attorneys, panelists, vendors, employment candidates and the public.

1. Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions and algebra.

2. Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Ability to coordinate eyes, hands, feet and limbs in performing skilled movements such as rapid keyboard use.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing five to ten pounds. Up to twenty-five pounds.
- Requires the ability to recognize and identify similarities or differences between characteristics of colors, shapes, and sounds, and textures associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under safe and comfortable conditions where exposure to environmental factors is minimal and poses a very limited risk of injury.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item 5E

Councilwoman Kasper reads and moves for approval agenda item 5E; Councilman Daley seconds the motion.

Motion to Amend

Councilman Serra states we need to clean it up and moves to amend the job description minimum training from five to 4 years and the reason for doing that is that we did it on the November, 2012 meeting and this should reflect that. Councilman Klattenberg seconds the motion to amend.

Councilwoman Bartolotta states for the City Attorney. I am trying to recall the history and conversation. The ordinance states 5 years and has not changed. Her recollection a change was made in November. She states that the ordinance overrules this and you would have to address the ordinance first or change the job description. Councilman Serra states someone's incompetence and not watching what the Council is doing; the Council changed it and it should be changed in the ordinance and all that needs to be done is change the ordinance. It should be reflected; when you do something in someone's department they should be taking care of that.

Councilwoman Kasper states at the time we changed this we were in the process to look at increasing the pool of candidates and it wasn't caught in the ordinance and to better serve the public, we should move it back to the five years.

Councilman Berch states we did change this at a meeting and as part of policy and procedure, we think about what we legislate; it should be referred back to Ordinance Study and regardless how it happened it should go to Ordinance Study and come back. Councilman Daley states it doesn't have to go back to Ordinance Study; someone should have alerted us of the conflict and in his opinion I would refer to Attorney Smith and the resolution that changed it was invalid because it was in conflict with the City ordinance. You can address this in two ways; we fix the job description or we leave it alone and go back and amend the ordinance. He doesn't think that is prudent when we know the pool of applicants. Councilman Daley states the ordinance setting it at five makes a lot of sense. Councilwoman Bartolotta states she wanted tonight's discussion to ask the body what the appropriate procedure should be. We need to understand what we want to do and when we had a discussion, several spoke against it and now they are going back to say they want five and that is why she brought it forward because certain individuals are wavering about the 5. Councilman Daley states back in November, it was not brought back to us and we were given the wrong answer and there were strong arguments to make it four. Councilwoman Kasper states it was her intention that they were in conflict and they discussed it at PRC that they thought they should be in compliance. Councilwoman Kleckowski states she brought it to her attention and when she brought it forward, it was two months ago. Councilman Santangelo states it was not brought back to this body. Councilwoman Kasper states it had to start with PRC.

Councilman Serra states someone dropped the ball and the intent should have gone into the ordinance. Why do we come here; to spin our wheels. It was a vote that should have gone into the ordinance. It is amazing it has been months.

Motion to Table

Councilman Daley moves to table this item. Councilman Serra states he withdraws his motion to allow it to go to Ordinance Study and at least respect the vote we took in 2012. The seconder withdraws his second to amend the job description. Councilman Daley moves to table this resolution to date certain. If we want to respect the vote, we postpone to date certain to vote on the job description for the Deputy General Counsel and then let Ordinance Study take up the issue and what needs to change first is the ordinance. We were not given the proper guidance and we need to fix that. He moves to postpone this resolution to the July Common Council Meeting. Councilman Pessina seconds the motion.

Councilwoman Kleckowski states she will vote against it and we are trying to rectify an error because the ordinance supersedes a resolution and the appropriate questions were made and she wants to rectify the error made as soon as possible in accordance with the merger and this job description is in sync with the ordinance.

The Acting Chair states he is not sure it is the Council's wish. Councilman Serra states if that is the case, we hired someone improperly. Councilman Klattenberg states he will vote against tabling so we can move forward with the vote to make the number of years 5 years and then the job description will be in conformance with the ordinance. Councilwoman Kasper states she will vote against the table because we voted the second time to consolidate the departments and need to have title changes.

Councilwoman Bartolotta states she would like it to reflect the ordinance because we did not follow the law when we changed it to four and hired a Deputy City Attorney; does it make it illegal? The City Attorney responds no, the current Deputy has more than 5 years, the best way was a binary choice, amend the ordinance or amend the resolution.

Councilman Serra asks about when the job was advertised and then comments let's put it five. Councilman Faulkner states the way it is here is five years and there is no advertising for the next round of attorneys. Attorney Smith states no it has not, not since he came here in January. Councilman Serra states it was false advertising what was in the job description was four years. We went out with four on that job description and it should not have been. Attorney Smith states he wouldn't disagree

Mr. Samolis, the Mayor's Chief of Staff makes a point of clarification; they have not advertised it. The Deputy City Attorney was an appointment from the original City Attorney candidate pool so there is no problem

The Acting Chair states the motion to postpone to date certain is on the floor. Councilman Daley, the maker of the motion withdraws the motion as does the seconder, Councilman Pessina.

The Acting Chair calls for the vote on the underlying motion, regarding the Deputy City Attorney job description changes. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Salafia, and Kleckowski; and one abstention by Councilman Berch. The Acting Chair states the motion carries with eleven aye votes and one abstention.

Resolution No.	63-13
File Name	pe deputy general counsel
	pe Deputy General Counsel Job Des as amended by FGC 4 24 13

Description **Approving renaming the job description for the Deputy City Attorney to Deputy General Counsel and all references to the Legal Department be amended to read Office of the General Counsel with no change in salary.**

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the job description for the Deputy City Attorney (Salary Grade 21, Non-bargaining, Exempt \$39.40 - \$58.30) be renamed to Deputy General Counsel and all reference to the Legal Department is amended to read Office of the General Counsel; and

BE IT FURTHER RESOLVED, That the amendments to the job description for the Deputy General Counsel be approved with no change in salary.

Fiscal Impact: None.

Title:	Deputy General Counsel		
Department:	Office of the General Counsel		
Date:	March 2001	Revised March 2013-April 2013	Salary Grade: 21 (E)

Purpose of Position

The purpose of this position is to provide legal representation to the City, to provide legal advice and prepare legal opinions for the City in matters requiring interpretation of state, federal and local laws, regulations and contracts. Litigates cases on behalf of the City and represents the City on labor relations matters. The work is performed under the direction of the General Counsel.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Researches legal issues. Prepares litigation pleadings, memoranda, letters, legal opinions; maintains legal publications.
- May Represent the City on matters involving labor relations including but not limited to Arbitrations, Grievance proceedings, CCHRO and negotiations as assigned.
- May litigate cases on behalf of the City as assigned.
- Attends Common Council meetings, Insurance and Claims Commission, Personnel Review Commission (PRC) meetings, and Ordinance Study meetings as directed by the General Counsel, ~~board, committee and commission meetings as needed~~; Meets with City officials and employees; meets with Mayor or Mayor’s staff to provide legal advice and assistance.
- Administers the Office of the General Counsel in the absence of the General Counsel.
- Attends Court, arbitration hearings and other proceedings.
- Review contracts and mail.
- Assists, monitors, and oversees outside and special counsel as needed.
- Performs site visits for code enforcement or road project issues.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Juris Doctor, Admission to Practice before the Connecticut Courts and Admission to Practice before Federal Courts with a minimum of ~~four~~ **five** years of general law experience.

Physical and Mental Abilities Required to Perform Essential Job Functions
Language Ability and Interpersonal Communication

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Requires the ability to apply principles of negotiation within the context of legal guidelines.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as pleadings, contracts, bid documents, legal opinions, statutes, City Charter, ordinances, law books, legal briefs, non-routine correspondence, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the General Counsel, Mayor, Common Council, City Department Heads and Directors, City employees and officials, boards, commissions, committees, other attorneys, Court personnel, Judges, the media and the public.

3. Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions and algebra.

4. Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as typing.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing up to twenty-five pounds.
- Requires the ability to recognize and identify degrees of similarities or differences between characteristics of colors, shapes, sounds, and textures associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors may cause discomfort and poses a limited risk of injury.

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Agenda Item 5F

Councilwoman Bartolotta reads and moves agenda item 5F for approval and Councilman Faulkner seconds the motion. The Acting Chair, hearing no discussion, calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Acting Chair states the matter passes with eleven affirmative votes and one in opposition.

Resolution No.	64-13
File Name	peOGCgeneralcounsel
	peOGC – GeneralCounselJobDesasAmendedbyFGC4 24 13
Description	Approving renaming the job description or the City Attorney to General Counsel and all references to the Legal Department be amended to read the Office of the General Counsel with no change in salary.

(Approved)
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the job description for the City Attorney (Salary Grade 23, Non-bargaining, Exempt \$42.49 - \$62.88) be renamed to General Counsel and all reference to the Legal Department is amended to read Office of the General Counsel; and

BE IT FURTHER RESOLVED, That the amendments to the job description for the General Counsel be approved with no change in salary.

Fiscal Impact: None.

Title:	General Counsel	
Department:	Office of the General Counsel	
Date:	April 2012	Salary Grade: 23 (E)
	Revised April 2013	Revised 3/13

Purpose of Position

The purpose of this position is to act as Chief Legal Advisor to the City of Middletown, its employees and officials in the interpretation of legal instruments and to represent the City in all legal matters. Position oversees property and casualty, worker’s compensation and employee health benefit insurance programs and monitors special counsel and insurance-hired defense counsel in litigation and arbitration. The work is performed under the direction of the Mayor.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Acts as Chief Legal Advisor to the City, its employees and officials, and administrative head of legal department responsible for work assignments, establishing office policies and discipline.
- Formulates creative solutions to complex personnel and litigation issues. Negotiates collective bargaining agreements.
- Represents the City in litigation, arbitrations, hearings, grievances, and actions pending before the CHRO, FOIA, Wage & Hour.
- Drafts pleadings and responds to discovery; researches and produces briefs. Drafts ordinances. Provides responses to requests for legal opinions and research. Drafts and reviews contracts, bid documents, requests for proposals, draft letters and memoranda to legal counsel and City officials.
- Directs and administers the Office of the General Counsel; prepares and administers department budget; aids in the development of budget for property and casualty, worker’s compensation and employee health benefit insurance programs; presents budgets to Mayor and Common Council.

- Assists, monitors, and oversees outside and special counsel in legal matters..
- ~~Acts In conjunction with attorneys and staff in the Office of the General Counsel, provides staffing as needed as staff to the Insurance & Claims Committee.drafts agendas and minutes.~~
- An Office of the General Counsel attorney shall attend all Common Council meetings, ~~and other required meetings of City boards, commissions, committees and agencies, as needed~~ Personnel Review Commission (PRC) meetings and Ordinance Study meetings. Prepares cases for litigation by interviewing witnesses, collecting evidence and producing City's strategy in litigation/arbitration proceedings pending against the City.
- Meets with insurance consultants, brokers, agents, and adjusters on claims and matters in litigation.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Juris doctorate with five years of municipal law related experience with an emphasis on employment law, labor relations experience. Position requires State of Conn. License to Practice Law and United States District Court—Conn. Admission to Practice and United States Court of Appeals—Second Circuit Admission to Practice.

Physical and Mental Abilities Required to Perform Essential Job Functions**Language Ability and Interpersonal Communication**

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Requires the ability to apply principles of negotiation within the context of legal guidelines.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as legal opinions, pleadings, discovery requests, letters, memoranda, responses, grievances, ordinances, resolutions, manuals, law books, budgets, charter, insurance policies, legal briefs, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the Mayor and Common Council, Department Heads and Directors, City employees, various boards, commissions and committees, Judges, Court personnel, other attorneys, all Office of the General Counsel staff, unions, insurance consultants, the media and the public.

5. Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions and algebra.

6. Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as typing.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing up to twenty-five pounds.
- Requires the ability to recognize and identify degrees of similarities or differences between characteristics of colors, shapes, sounds, and textures associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors may cause discomfort and poses a limited risk of injury.

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Motion to Adjourn

Councilman Klattenberg moves to adjourn and is seconded by Councilman Berch. The vote is called and it is unanimous to adjourn with eleven aye votes. The Chair declares the meeting adjourned at 8 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk